

## REMARKS

Claims 1-8, 10-15 and 17-34 are pending in the present application, with claims 9 and 15 having been previously cancelled. Claims 1-8, 10-15 and 17 are rejected and claims 18-34 have been withdrawn from further consideration.

Claims 1-3 and 8 are amended hereby.

5       Claims 1, 2, 3 and 8 are amended hereby for the sake of clarity and format only. Applicants submit that this amendment does not introduce new or remove any limitations, and therefore a new search is not required. Applicants further submit that the proposed amendment places the claims in better condition for Appeal, should that option become necessary. Accordingly, Applicants  
10 respectfully request entry of the amendment.

Responsive to the rejection of claims 1-8, 10-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,545,908 (Tokura, et al.) in view of U.S. Patent Nos. 5,063,428 and 5,773,858 (Schlangenotto, et al.),  
Applicants respectfully traverse.

15       In order to establish a *prima facie* case of obviousness the prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)(Emphasis Added). Claim 1 recites in part,

20       “a P- doped well formed in the N- doped layer and extending . . . into the N- doped layer, a P+ doped region formed in the P- doped well and extending . . . into the P-doped well . . . an N+ doped

region formed . . . in the N- doped layer, said N+ region laterally spaced from the P+ doped region and the P-doped well".

(*Emphasis Added*). Applicants submit that the cited references, alone or in combination, fail to teach or suggest such limitations, and that therefore a *prima facie* case of obviousness has not been established in regard to claim 1.

Tokura, et al., discloses a power MOSFET (Fig. 1) including P-type base layers 8 having a depth of an of 2.5  $\mu\text{m}$  and N+ type source layers 7 having a junction depth of an extent of 0.7  $\mu\text{m}$ . (*column 10, lines 45-49*). P+ type base contact layers 10 have a diffusion depth of 0.5  $\mu\text{m}$  are formed on a surface of a central portion of the p-type base layer 8. (*column 10, lines 57-60*).

The N+ sources 7 and P+ base contact layers 10 of the Tokura, et al., device are formed within P-type base layers 8. Tokura, et al., itself teaches that the N+ sources are formed within the P-type base layers 8. The N+ regions are not laterally spaced or separated from the P-type base layers 8. There is no N+ region laterally spaced or separated from the P-type base layers 8. Thus, Tokura, et al., fails to disclose or suggest an N+ doped region formed in the N- doped layer and being laterally spaced from the P+ doped region and the P- doped well, as recited in part by claim 1.

The Schlangenotto, et al., references were not relied upon by the Examiner to, and Applicants submit they do not, teach, disclose or suggest an N+

doped region formed in the N- doped layer and being laterally spaced from the P+ doped region and the P-doped well, as recited in part by claim 1.

Since the cited references fail to disclose or suggest, alone or in combination, all the limitations of claim 1, Applicants submit that a *prima facie* case of obviousness has not been established in regard thereto. Accordingly, 5 Applicants respectfully request withdrawal of the rejection and submit that claim 10 Applicants is now in condition for allowance, which is hereby respectfully requested.

In rejecting claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,545,908 (Tokura, et al.) in view of U.S. Patent Nos. 5,063,428 and 5,773,858 (Schlangenotto, et al.), the Examiner in regard to the Tokura, et al., device parenthetically asserts the following: "the N+ doped region (7) is formed in a P doped well (8), and the P doped well (8) is formed in the N-doped layer (2). Therefore, the N+ doped region is formed in the N- doped layer."

(bottom of Page 2 through the top of Page 3 of the Office Action mailed 06 15 October 2004). Applicants respectfully disagree.

The Examiner appears to be concluding that because the P doped well (8) is formed in the N- doped layer (2), and since the N+ doped region (7) is, in turn, formed in the P doped well (8), that the N+ doped region (7) is therefore formed in the N- doped layer (2). With all due respect to the Examiner, such an 20 oversimplification ignores semiconductor physics, operation, and fabrication methods. If such a generalization were adhered to, e.g., all features of a

semiconductor are formed on the substrate, countless semiconductor patents would be rendered invalid. The presence of the P doped well can not be ignored.

The P doped well (8) of Tokura, et al., is formed in the N- doped layer (2), and the N+ doped region (7) is, in turn, formed in the P doped well (8). The N+ 5 doped region (7) is not formed in the N- doped layer (2). Rather, the N+ doped region (7) is formed within the P doped well (8). It is the P doped well (8) that is formed in the N- doped layer (2), not the N+ doped region (7). The N+ doped region (7) is formed within P doped well (8), not within the N- doped layer (2).

Further, to conclude that the N+ doped region is formed in the N- doped 10 layer 2 ignores the teaching of Tokura, et al. Tokura, et al., implants boron ions to form p-well 61 (Fig. 7) and deep p- well 60 which are made into a unitary body to produce composite p- well 62. (*column 12, lines 46-53*). Next, a second ion injection and diffusion are formed to create n+ type source layer 7. (*column 13, lines 1-15*). Thus, the very teaching of Tokura, et al., requires that the P doped 15 well (8) be formed in the N- doped layer (2), and that the N+ doped region (7) be, in turn, formed in the P doped well (8).

In contrast, the explicit language of claim 1 requires that the N+ doped region of Applicants' invention be formed in the N- doped layer. The N+ doped region of the present invention is not formed in a P doped well which is, in turn, 20 formed in an N- doped layer. Thus, Tokura, et al., fails to disclose or suggest an

N+ doped region formed in the N- doped layer and being laterally spaced from the P+ doped region and the P-doped well, as recited in part by claim 1.

The Schlangeneotto, et al., references were not relied upon by the Examiner to, and Applicants submit they do not, teach, disclose or suggest an N+  
5 doped region formed in the N- doped layer and being laterally spaced from the P+ doped region and the P-doped well, as recited in part by claim 1.

For the foregoing reasons, Applicants submit that claim 1 and claims 2-8, 10-15 and 17 depending therefrom are now in condition for allowance, which is hereby respectfully requested.

10 For all the foregoing reasons, Applicants submit that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Moreover, Applicants submit that the pending claims are also now in condition for allowance. Accordingly, Applicants respectfully request withdrawal of all rejections and allowance of the claims.

15 In the event Applicant has overlooked the need for an extension of time, additional extension of time, payment of a fee, or additional payment of a fee, Applicant hereby conditionally petitions therefor.

The Examiner is invited to telephone the undersigned in regard to this  
Amendment and the above identified application.

Respectfully submitted,

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Date



Laurence S. Roach  
Registration No. 45,044

E-mail: [LSRoach@rochester.rr.com](mailto:LSRoach@rochester.rr.com)

Laurence S. Roach, Esq.  
Law Office of Thomas R. FitzGerald  
16 East Main Street, Suite 210  
Rochester, New York 14614-1803  
Telephone : (585) 454-2250  
Fax : (585) 454-6364